



The Birmingham News

To believe, or not to believe

Wednesday, June 06, 2007

THE ISSUE: A campaign volunteer for Gov. Bob Riley claims political machinations were indeed behind the federal prosecution of Gov. Don Siegelman.

Former Gov. Don Siegelman is no novice when it comes to political witch hunts. He's been claiming to be a victim of one since at least 2002, when he learned prosecutors had seized his personal financial records in a probe of his administration's dubious dealings.

Now, he has what he contends is proof: a sworn statement from someone who claims to have participated in a conference call in which political operatives discussed prosecuting Siegelman.

Jill Simpson, a lawyer and campaign volunteer for Gov. Bob Riley, said the call took place in 2002, shortly after Riley defeated the incumbent Siegelman in a close, contested election. According to accounts in *Time* and *The New York Times*, which obtained her affidavit, the crucial part of the conversation involved Bill Canary, president of the Business Council of Alabama and a prominent Republican player.

According to Simpson, Canary said not to worry about Siegelman, that Canary's "girls" - i.e., his wife, Middle District U.S. Attorney Leura Garrett Canary, and her Birmingham counterpart, Alice Martin - would take care of the former governor. Canary also said he had spoken with White House political guru Karl Rove and that Rove had assurances from the U.S. Justice Department that it was pursuing Siegelman.

Interesting, if true. But is it?

Others who were alleged participants in the conference call - including one of the defense lawyers for Siegelman's co-defendant Richard Scrushy - deny the call took place as described. "It's total fiction," said the Scrushy lawyer, Terry Butts.

Also, career prosecutors actually handled the case after Leura Canary stepped aside because of Siegelman's concerns about her husband's political interests. These prosecutors have said the Justice Department was not especially gung-ho about the case and didn't press for it to be pursued.

Unfortunately, recent news makes it hard to reject out of hand the notion that Washington politicians might at least try to use the Justice Department for partisan ends. That's a bad thing. Although politics plays a role in who gets key Justice Department jobs, it should never be used to decide who gets prosecuted and who does not. That goes for Siegelman, too.

But it's also hard for Siegelman to claim his political adversaries just picked him out of the blue to be prosecuted. He ran his administration in such a way as to invite - no, demand - suspicion and scrutiny.

State business went to friends and insiders, sometimes without even so much as the pretense of competitive bids. Questions came up about contracts for state warehouses, state trooper technology, economic development projects, bond issues and school Internet access. Commissions from state investments ended up going to Siegelman's personal stockbroker. In some cases, Siegelman received lavish gifts, favors and campaign contributions from those who benefited from his administration.

In the end, one of his top aides pleaded guilty and testified against him. A jury convicted Siegelman of trading a seat on a state board for a \$500,000 contribution to his state lottery campaign.

At this point, it's not certain what role Republican machinations did or did not play in the outcome. But it's pretty clear what role Siegelman's own actions played. It's hard to imagine Republicans hurt Siegelman more than he hurt himself.

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